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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-13-00107 YGR
)	
Plaintiff,)	STIPULATION AND ORDER TO
)	EXCLUDE TIME UNDER THE SPEEDY
v.)	TRIAL ACT AND SETTING STATUS
)	CONFERENCE ON AUGUST 29, 2013
)	
JONATHAN YEN,)	
)	
)	
Defendant.)	
)	
)	
)	

The parties are set for a status conference before the Court on July 11, 2013. Defense counsel is still completing her investigation into this criminal case and the parties are discussing the possibility of resolving the case pursuant to a plea agreement. Defense counsel is also starting a jury trial on July 22 and a second jury trial on August 5. The parties take note that the Court is not available on August 1. Therefore, in order to allow defense counsel additional time

1 to complete her investigation, and to allow the parties additional time to discuss resolving the
2 case, and to allow for continuity of counsel, the parties are jointly requesting that the Court
3 reschedule the status conference to August 29, 2013. This is the first time the parties have
4 agreed to continue a status hearing in this case. The parties also agree that time is properly
5 excluded under the Speedy Trial Act, 18 U.S.C. § 3161.

6 With the agreement of the parties, and with the consent of the defendant, the Court enters
7 this order documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b),
8 from July 11, 2013 to August 29, 2013. The parties agree, and the Court finds and holds, as
9 follows:

10 1. Defense counsel believes that the exclusion of time is in the best interest of her client.

11 2. The defendant agrees to an exclusion of time under the Speedy Trial Act from
12 July 11, 2013 to August 29, 2013, based upon the need for effective preparation of counsel;
13 specifically, to provide defense counsel an opportunity to complete her investigation and for the
14 parties to finalize the details of a plea agreement. The defendant agrees to this exclusion on the
15 condition that his right to bring a motion claiming Speedy Trial Act violations prior to July 11,
16 2013, shall remain preserved.

17 3. Given these circumstances, the Court finds that the ends of justice served by
18 excluding the period from July 11, 2013 to August 29, 2013, outweigh the best interest of the
19 public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

20 4. Accordingly, and with the consent of the defendant, the Court orders that the period
21 from July 11, 2013 to August 29, 2013, shall be excluded from Speedy Trial Act calculations
22 under 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

23 5. A status conference is set for August 29, 2013, at 2:00 p.m.

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1 IT IS SO STIPULATED:

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3 DATED: July 9, 2013

_____/S/
AARON D. WEGNER
Assistant United States Attorney

4
5
6 DATED: July 9, 2013

_____/S/
ELLEN LEONIDA
Counsel for Jonathan Yen

7
8
9 IT IS SO ORDERED.

10 July 10, 2013


YVONNE GONZALEZ ROGERS
United States District Judge